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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF ALYSSA G. OLSON
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
PLAINTIFFS' OPPOSITION TO
GOOGLE'S MOTION TO STRIKE**

Judge: Hon. Susan van Keulen, USMJ

1 I, Alyssa G. Olson, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney at Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I make
4 this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness, I
5 could and would testify competently thereto.

6 2. I am making this declaration pursuant to Civil Local Rule 79-5(e)-(f) as an attorney
7 for Google as the Designating Party, pursuant to Civil Local Rule 79-5(f)(3) in response to Dkt.
8 744.

9 3. On September 14, 2022, Plaintiffs filed their Administrative Motion to Consider
10 Whether Google’s Materials Should Be Sealed regarding Plaintiffs’ Opposition to Google’s Motion
11 to Strike. On September 14, 2022, I received an unredacted service copy of these documents.

12 4. The common law right of public access to judicial proceedings is not a constitutional
13 right and it is “not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Crowe v.*
14 *Cty. of San Diego*, 210 F. Supp. 2d 1189, 1194 (S.D. Cal. 2002) (“[T]here is no right of access which
15 attaches to all judicial proceedings.” (internal citations omitted)). The right is weakest where, as
16 here, the proceedings concern a non-dispositive discovery motion; rather than satisfy the more
17 stringent “compelling reasons” standard, a party seeking to seal materials in these circumstances
18 must make only a “particularized showing” of “good cause.” *Kamakana v. City & County of*
19 *Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). Such sealing is appropriate when the information
20 at issue constitutes “competitively sensitive information,” such as “confidential research,
21 development, or commercial information.” *France Telecom S.A. v. Marvell Semiconductor Inc.*,
22 2014 WL 4965995, at *4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d
23 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of
24 materials for many types of information, including, but not limited to, trade secrets or other
25 confidential research, development, or commercial information”); *Standard & Poor’s Corp. Inc. v.*
26 *Commodity Exch., Inc.*, 541 F. Supp. 1273, 1275 (S.D.N.Y. 1982) (“[T]he overriding interest to be
27 found in business confidences . . . require[s] . . . temporary reasonably restricted access to the
28 Courtroom of members of the public.”).

5. Courts have also readily sealed information that is subject to attorney-client privilege and the work-product doctrine. *See, e.g., In re Anthem Inc. Data Breach Litig.*, 2018 WL 3067783, at *3 (N.D. Cal. Mar. 16, 2018) (“Courts have accepted attorney-client privilege and the work-product doctrine as sufficient justifications for sealing, even under the higher ‘compelling reason’ standard.”). The identified portions of Plaintiffs’ Opposition all comprise descriptions or summaries of privileged, attorney-client communications from Google in-house counsel providing legal advice. Because this is a non-dispositive discovery motion, the “good cause” rather than the “compelling reasons” standard should apply, but under either standard, Google’s sealing request is warranted.

6. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil Local Rule 79-5(f). Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
<p>Plaintiffs’ Opposition to Google’s Motion to Strike</p> <p>Page 3:13-15, 9:24-26, 10:12, 12:9-10, 13:1-4, 13:6-8, 14:6-7, 14:11-24, 15:1-3, 15:6-14, 15:18-27, 16:25-27</p>	<p>The information requested to be sealed contain descriptions of privileged communications and information protected by the attorney-client privilege and work product doctrines, including summaries of communications from Google non-attorney employees regarding a regulatory investigation. Dkts. 733-2, -3. Google gave notice to Plaintiffs of the inadvertently produced document subject to the attorney-client privilege and work product protection on August 26, 2022. Dkt. 733-1. Google has filed a motion to strike certain references to these materials in Plaintiffs’ prior briefings and in their opposition (Dkt. 733).</p> <p>The information requested to be sealed at page 16, line 27 also contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the</p>

1		information to compromise Google's internal practices relating to competing products.
2	Exhibit 1 to Mao Declaration -	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including various types of Google's internal projects, project code names, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2-3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
3	Google Privilege Log 004	
4	Pages 1-4, "Title" column	
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15 7. Google's request is narrowly tailored in order to protect its confidential, privileged,

16 and protected information. These redactions are limited in scope and volume. Because the proposed

17 redactions are narrowly tailored and limited to portions containing Google's highly-confidential,

18 confidential, or privileged information, Google requests that the portions of the aforementioned

19 documents be redacted from any public version of those documents.

20 8. Google does not seek to redact or file under seal any of the remaining portions of

21 documents not indicated in the table above.

22 I declare under penalty of perjury of the laws of the United States that the foregoing is true

23 and correct. Executed in Culver City, California on September 26, 2022.

24

25 By /s/ Alyssa G. Olson

26 Alyssa G. Olson

27 *Attorney for Defendant*

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